

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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CONSERVATION LAW FOUNDATION,  
INC., et al.,

Plaintiffs,

v.

MICHAEL S. REGAN, in his official  
capacity as Administrator of the U.S.  
ENVIRONMENTAL PROTECTION  
AGENCY, et al.,

Defendants.

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Civil Action No. 22-CV-11863-RGS

**MEMORANDUM IN SUPPORT OF EPA’S  
UNOPPOSED MOTION FOR EXTENSION OF TIME**

Defendants Michael S. Regan, et al. (“EPA”) seek a two-week extension of time for their response to the Complaint, until June 2, 2023. As demonstrated below, good cause exists for the requested extension of time. Counsel for the Plaintiffs does not oppose the relief requested in this motion on the condition that EPA does not oppose a similar two-week extension of time for the Plaintiffs’ response to a motion to dismiss. If this motion is granted, EPA will not oppose a two-week extension of time for Plaintiffs’ response to a motion to dismiss. In further support of the relief requested in this motion, EPA states the following:

1. On November 2, 2022, Plaintiffs filed the Complaint. ECF No. 1.
2. The U.S. Attorney’s Office for the District of Massachusetts was served with the Complaint on March 20, 2023. Under Federal Rule of Civil Procedure 12(a)(2), the current deadline for EPA to respond to the Complaint is May 19, 2023. *See* ECF Nos. 13-14 (confirming May 19, 2023, deadline).

3. On April 13, 2023, undersigned counsel for EPA was assigned to assist with a new set of petitions for review in several different United States courts of appeals, which has involved significant motions practice in multiple courts, including responding to motions for stays pending judicial review. *See, e.g., Missouri v. EPA*, No. 23-1719 (8th Cir.); *Wyoming v. EPA*, 23-9529 (10th Cir.); *Alabama v. EPA*, No. 23-11173 (11th Cir.). This new matter has required and continues to require a substantial amount of counsel's time.
4. In light of this significant new increase in workload, counsel for EPA will require additional time to prepare, coordinate, and secure approval for a motion to dismiss the Complaint in this case. Counsel for EPA estimates that a two-week extension of time is necessary to complete these tasks and file an expected motion to dismiss in this case.
5. This is the first requested extension of time in connection with EPA's response to the Complaint, and counsel for EPA believes that granting the relief requested in this motion will not significantly delay proceedings in this case or prejudice the Plaintiffs.
6. Counsel for Plaintiffs has shared that Plaintiffs do not oppose the relief requested in this motion on the condition that EPA does not oppose a similar two-week extension of time for Plaintiffs' response to a motion to dismiss. If this motion is granted counsel for EPA will not oppose a two-week extension of time for Plaintiffs' response to a motion to dismiss.

For the foregoing reasons, the Court should grant this motion, and extend the deadline for EPA's response to the Complaint by two weeks, until June 2, 2023.

Dated: May 12, 2023

TODD KIM  
Assistant Attorney General

s/ Miranda M. Jensen  
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#### **CERTIFICATE OF SERVICE**

I certify that on May 12, 2023, I filed the foregoing MEMORANDUM IN SUPPORT OF EPA'S UNOPPOSED MOTION FOR EXTENSION OF TIME using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

s/ Miranda M. Jensen  
MIRANDA M. JENSEN